

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD MARCH 20, 2008 AT THE CIVIC CENTER, 83 WEST MAIN, HYRUM, UTAH.

CONVENED: 6:30 p.m.

CONDUCTING: Mayor W. Dean Howard

ROLL CALL: Councilmembers Martin L. Felix, Paul C. James, Thomas C. LaBau, Stephanie Miller, and Craig Rasmussen present.

CALL TO ORDER: There being five members present and five members representing a quorum, Mayor Howard called the meeting to order.

OTHERS PRESENT: City Administrator D. Brent Jensen, Zoning Administrator Ron Salvesen, and eight citizens. City Recorder Stephanie Fricke recorded the minutes.

WELCOME: Mayor Howard welcomed everyone in attendance and invited audience participation.

PLEDGE OF ALLEGIANCE: Councilmember Rasmussen led the governing body and the citizens in the Pledge of Allegiance.

INVOCATION: Councilmember Miller

APPROVAL OF MINUTES:

The minutes of March 6, 2008 were amended as follows: Page 2, Paragraph 3, after "Committee members are not expected to tell on" change "there" to "their"; and Page 4, Paragraph 5, after "...define the length of time a dog" change "maybe" to "may be".

ACTION Councilmember Rasmussen made a motion to approve the minutes of March 6, 2008 with the above amendments. Councilmember LaBau seconded the motion and all five councilmembers voted aye.

The minutes of March 7, 2008 were amended on Page 1, Paragraph 2 after "CONVENED" change "10:00 p.m." to "10:00 a.m.".

ACTION Councilmember James made a motion to approve the minutes of March 7, 2008 with the above amendments. Councilmember Miller seconded the motion and all five councilmembers voted aye.

AGENDA ADOPTION: A copy of the notice and agenda for this meeting was faxed to The Herald Journal, mailed to each member of the governing body, and posted at the Civic Center more than forty-eight hours before meeting time.

Mayor Howard said Steve Waechtler, owner of B'S Outback Motorsports, came into the City offices today and paid his

business license fees for the past two years. Since the business license fees were paid, he suggested removing item "11.A. Consideration of revoking B's Outback Motorsports Business License." from the agenda.

ACTION **Councilmember James made a motion to approve the agenda with the above amendment. Councilmember LaBau seconded the motion and all five councilmembers voted aye.**

AGENDA

8. PUBLIC HEARING:
 - A. To receive public comment concerning a proposal to amend Title 17 (the Zoning Ordinance) of the Hyrum City Municipal Code as follows:
 - I. Chapter 17.49 (Manufacturing Zone M-2) to permit office buildings and retail sales as a conditional use.
 - II. Chapter 17.48 (Manufacturing-Light Zone M-1) to permit office buildings as a permitted use and retail sales as a conditional use.
 - III. Section 17.08.150 (Administration and Enforcement) to require the Planning Commission to hold a public hearing on amendments to the Zoning Ordinance and Map.
 - IV. Section 17.04.070 (Definitions) to amend the definition of "Family" to include a group of not more than four persons, who need not be related by blood or marriage.
 - V. To require residential landscaping before an occupancy permit is issued in all zones.
9. SCHEDULED DELEGATIONS:
 - A. James Swink, Child and Family Support Center - TO request approval of a Proclamation declaring April 2008 as Child Abuse Prevention Month.
 - B. Malinda Painter - To request site plan approval for a canning supply retail business at 19 North 100 West.
10. INTRODUCTION AND ADOPTION OF ORDINANCES AND A RESOLUTION:
 - A. Ordinance 08-07 - An ordinance amending Section 17.08.150 of Title 17 of the Hyrum City Municipal Code to require the Planning Commission to hold a public hearing on all amendments to Title 17 and to reduce the noticing period for public hearing to ten days.
 - B. Ordinance 08-08 - An ordinance amending Section 17.04.070 of Title 17 of the Hyrum City Municipal Code (the Zoning Ordinance) by changing the definition of "Family".
 - C. Ordinance 08-09 - An ordinance adding Sections 17.24.055, 17.28.045, 17.32.042, 17.34.055, 17.36.042, 17.38.045, 17.44.042, and 17.45.105 to Title 17 of the Hyrum City Municipal Code (the Zoning Ordinance) to require landscaping of front yards on

- new residential construction.
- D. Ordinance 08-10 - An ordinance amending Sections 17.48.020 and 17.49.020 of Title 17 of the Hyrum City Municipal Code (the Zoning Ordinance) to add office buildings and retail sales as conditional uses and/or permitted uses in the Light Manufacturing Zone M-1 and Manufacturing Zone M-2.
 - E. Resolution 08-14 - A resolution setting the Residential Landscaping Performance Guarantee Deposit Fee.
11. OTHER BUSINESS:
- A. ~~Consideration of revoking B's Outback Motorsports Business License.~~
 - B. Consideration and approval of an agreement with Clancy Systems International Inc. for parking management and parking citation collection services.
 - C. Consideration and approval of Elk Mountain's subdivision surety.
 - D. Budget report.
 - E. Mayor and City Council reports.

PUBLIC HEARING:

TO RECEIVE PUBLIC COMMENT CONCERNING A PROPOSAL TO AMEND TITLE 17 (THE ZONING ORDINANCE) OF THE HYRUM CITY MUNICIPAL CODE AS FOLLOWS: I. CHAPTER 17.49 (MANUFACTURING ZONE M-2) TO PERMIT OFFICE BUILDINGS AND RETAIL SALES AS A CONDITIONAL USE; II. CHAPTER 17.48 (MANUFACTURING-LIGHT ZONE M-1) TO PERMIT OFFICE BUILDINGS AS A PERMITTED USE AND RETAIL SALES AS A CONDITIONAL USE; III. SECTION 17.08.150 (ADMINISTRATION AND ENFORCEMENT) TO REQUIRE THE PLANNING COMMISSION TO HOLD A PUBLIC HEARING ON AMENDMENTS TO THE ZONING ORDINANCE AND MAP; IV. SECTION 17.04.070 (DEFINITIONS) TO AMEND THE DEFINITION OF "FAMILY" TO INCLUDE A GROUP OF NOT MORE THAN FOUR PERSONS, WHO NEED NOT BE RELATED BY BLOOD OR MARRIAGE; AND V. TO REQUIRE RESIDENTIAL LANDSCAPING BEFORE AN OCCUPANCY PERMIT IS ISSUED IN ALL ZONES.

ACTION

Councilmember Miller made a motion at 6:35 p.m. to open the public hearing concerning a proposal to amend Title 17 (the Zoning Ordinance) of the Hyrum City Municipal Code as follows: I. Chapter 17.49 (Manufacturing Zone M-2) to permit office buildings and retail sales as a conditional use; II. Chapter 17.48 (Manufacturing-Light Zone M-1) to permit office buildings as a permitted use and retail sales as a conditional use; III. Section 17.08.150 (Administration and Enforcement) to require the Planning Commission to hold a public hearing on amendments to the Zoning Ordinance and Map; IV. Section 17.04.070 (Definitions) to amend the definition of "Family" to include a group of not more than four person, who need not be related by blood or

marriage; and V. To require residential landscaping before an occupancy permit is issued in all zones. Councilmember James seconded the motion and all five councilmembers voted aye.

Mayor Howard asked for public comment.

Kelsey Bladen said she is concerned about the City requiring front yards to be landscaped before an occupancy permit is issued. Requiring the front yard to be landscaped before an occupancy permit is issued could create a hardship on the homeowner. It takes time to properly landscape a yard and to determine the best location for trees and shrubs. In Cache Valley a homeowner can only plant a lawn in the early spring or late fall. If a homeowner or contractor is responsible to landscape the yard before an occupancy permit is issued, it may lower the quality of the landscaping. She asked the City Council to allow additional time for a new homeowner to landscape the front yard.

Jean Hunter asked the City Council to not adopt an ordinance requiring front yards to be landscaped before an occupancy permit is issued. It would be extremely difficult to landscape a yard while the house is being constructed. If the front yard has to be landscaped before a homeowner can move in, most homeowners will have to pay for sod rather than planting grass. She would prefer the City giving a new homeowner one year to complete the landscaping after an occupancy permit is issued.

Mindy Nielsen said she does not think it is fair to require a homeowner to have the front yard landscaped before he/she can move into the house. The City should give the new homeowner some time to landscape the front yard rather than requiring it before an occupancy permit is issued.

After no further public comment, Mayor Howard called for a motion to close the public hearing.

ACTION

Councilmember James made a motion at 6:40 p.m. to close the public hearing concerning a proposal to amend Title 17 (the Zoning Ordinance) of the Hyrum City Municipal Code as follows: I. Chapter 17.49 (Manufacturing Zone M-2) to permit office buildings and retail sales as a conditional use; II. Chapter 17.48 (Manufacturing-Light Zone M-1) to permit office buildings as a permitted use and retail sales as a conditional use; III. Section 17.08.150 (Administration and Enforcement) to require the Planning Commission to hold a public hearing on amendments to the Zoning Ordinance and Map; IV. Section 17.04.070 (Definitions) to amend the definition of "Family" to include a group of not more than four person, who need not be related by blood or

marriage; and V. To require residential landscaping before an occupancy permit is issued in all zones. Councilmember LaBau seconded the motion and all five councilmembers voted aye.

SCHEDULED DELEGATIONS:

JAMES SWINK, CHILD AND FAMILY SUPPORT CENTER - TO REQUEST APPROVAL OF A PROCLAMATION DECLARING APRIL 2008 AS CHILD ABUSE PREVENTION MONTH.

James Swink said the Child and Family Support Center of Cache County is a private, non profit organization that was established in 1982. The Child Family Support Center serves families and children in both Cache and Rich Counties and is administered by a Board of Directors made up of local citizens willing to donate their time and talents. Services provided by the center include a 24 hour crisis nursery; 24 hour crisis hotline; parenting classes; therapy for victims of abuse; children's classes for anger management, social skills, etc; and a child abuse shelter. Child abuse is a major problem in Utah. Over 20~~7~~,343 complaints of child abuse & neglect were made in Utah from July 2006 to July 2007. Utah is the eighth highest state in substantiated cases of child abuse with 18.3 cases per 1,000 children, versus the national average of 11.9 per 1,000 children.

AMENDED
11-02-06

A short power point presentation was shown on Cache Valley's child abuse statistics and reports of actual child abuse cases.

James Swink said the Child and Family Support Center are holding several events in April to provide community awareness of child abuse. The center is also asking all cities in Cache Valley to approve a Proclamation recognizing April as Child Abuse Prevention Month.

ACTION

Councilmember James made a motion to approve a Proclamation recognizing April 2008 as Child Abuse Prevention Month. Councilmember Miller seconded the motion and all five councilmembers voted aye.

MALINDA PAINTER - TO REQUEST SITE PLAN APPROVAL FOR A CANNING SUPPLY RETAIL BUSINESS AT 19 NORTH 100 WEST.

Malinda Painter said Scott Page with Highland Brands operates an online retail store that sells canning and pickling supplies, and general kitchen gadgets. They do not manufacture products they only sell products produced by other manufactures. All sales are through the internet. He has been operating his business at 6313 South 600 West in Hyrum with a home occupation business license, however, his business has grown and he is looking for a building to rent in Hyrum. Scott wants to rent Malinda's building at 19 North 100 West. He will have one to three full time employees and

two to four part time employees. There is sufficient on site parking spaces for the number of employees he is planning on hiring. All products will be stored inside the building, there will be no outside storage. There will be one afternoon UPS pickup per day for out bound packages. Two to six partial semi-trailer deliveries per month. There is space on the property to load and unload the trucks.

Zoning Administrator Ron Salvesen said on March 13, 2008 the Planning Commission recommended site plan approval for a canning supply retail business at 19 North 100 West with the following conditions: 1) Employee parking be indicated on the site plan; 2) Additional hard surface parking added as required by code; 3) enclosed dumpster area; 4) Sign approved by Zoning Administrator; 5) Landscaping and maintenance plan be submitted to the City in writing; and 6) The building be painted and asphalt be added to the entrance on the southeast corner of sidewalk before the end of summer 2008.

Councilmember Rasmussen said before the dumpster area is fenced the property owner will want to make sure that the electrical line will not be hit by a garbage truck.

City Administrator D. Brent Jensen said he does not see the need for the entrance on the southeast corner of the sidewalk to be paved. There is a heavy layer of road base that has withstood a lot of truck traffic over the past several years.

Zoning Administrator Ron Salvesen said he contacted Scott Page to let him know that if he hires more employees then he will have to provide a hard surface parking spot for each employee.

ACTION

Councilmember Rasmussen made a motion to approve the site plan for Malinda Painter at 19 North 100 West for a canning supply retail business with the following conditions: 1) Employee parking be indicated on the site plan; 2) One hard surface parking space be provided for each employee, as required by Hyrum City Code; 3) Enclosed dumpster area in a location that does not conflict with electric lines; 4) Sign approved by Zoning Administrator; 5) Landscaping and maintenance plan be submitted and accepted by City staff; 6) The building be painted before the end of summer 2008; and 7) No outside storage is permitted. Councilmember James seconded the motion and all five councilmembers voted aye.

INTRODUCTION AND ADOPTION OF ORDINANCES AND A RESOLUTION:

ORDINANCE 08-07- AN ORDINANCE AMENDING SECTION 17.08.150 OF TITLE 17 OF THE HYRUM CITY MUNICIPAL CODE TO REQUIRE THE PLANNING COMMISSION TO HOLD A PUBLIC HEARING ON ALL AMENDMENTS TO TITLE 17

AND TO REDUCE THE NOTICING PERIOD FOR PUBLIC HEARING TO TEN DAYS.

ACTION Councilmember LaBau made a motion to adopt Ordinance 08-07 amending Section 17.081.50 of Title 17 of the Hyrum City Municipal Code to require the Planning Commission to hold a public hearing on all amendments to Title 17 and to reduce the noticing period for a public hearing to ten days. Councilmember Felix seconded the motion and all five councilmembers voted aye.

ORDINANCE 08-08 - AN ORDINANCE AMENDING SECTION 17.04.070 OF TITLE 17 OF THE HYRUM CITY MUNICIPAL CODE (THE ZONING ORDINANCE) BY CHANGING THE DEFINITION OF "FAMILY".

ACTION Councilmember James made a motion to adopt Ordinance 08-08 amending Section 17.04.070 of Title 17 of the Hyrum City Municipal Code (the Zoning Ordinance) by changing the definition of "Family". Councilmember LaBau seconded the motion and all five councilmembers voted aye.

ORDINANCE 08-09 - AN ORDINANCE ADDING SECTIONS 17.24.055, 17.28.045, 17.32.042, 17.34.055, 17.36.042, 17.38.045, 17.44.042, AND 17.45.105 TO TITLE 17 OF THE HYRUM CITY MUNICIPAL CODE (THE ZONING ORDINANCE) TO REQUIRE LANDSCAPING OF FRONT YARDS ON NEW RESIDENTIAL CONSTRUCTION.

Mayor Howard said earlier in the public hearing three citizens were concerned about requiring front yards to be landscaped before an occupancy permit was issued. The proposed ordinance allows the City to give a homeowner a six month extension to complete the required landscaping for weather related circumstances.

Councilmember Rasmussen said there are some people that could not afford to build a new home if the landscaping had to be completed before an occupancy permit was issued. A new homeowner can save a lot of money by doing the landscaping on his own rather than hiring someone to do it. A homeowner may feel pressure to put in a lawn and not take the time to remove the rocks, level the ground, and install a sprinkler system.

Councilmember Miller said building a house takes a lot of time. Most home builders work as quickly as possible just to get the house built in the time allotted by their loan agency. Trying to get a lawn put in and build a house at the same time may put a burden on the home builder. She agrees that a front yard makes the neighborhood look nice, but she would prefer the City give a new home builder at least one year to landscape the front yard.

Councilmember Rasmussen said if the City is worried about weedy

lots then it should enforce the nuisance ordinance rather than placing another requirement on a new home owner.

Councilmember LaBau said six months may not be long enough for a new home owner to complete the front yard landscaping. He would be in favor of giving a new home owner one year to landscape the front yard.

Zoning Administrator Ron Salvesen said the Planning Commission was the body that initiated the proposed change. The Planning Commission has discussed both sides of this issue and all five members voted to require front yards be landscaped before an occupancy permit is issued. There are too many yards in Hyrum that are not landscaped for several years after the house is built.

ACTION Councilmember Miller made a motion to table Ordinance 08-09 to allow the City Council to address the length of time that is needed for a homeowner to landscape the front yard, and to define "landscaping". Councilmember Rasmussen seconded the motion and all five councilmembers voted aye.

ORDINANCE 08-10 - AN ORDINANCE AMENDING SECTIONS 17.48.020 AND 17.49.020 OF TITLE 17 OF THE HYRUM CITY MUNICIPAL CODE (THE ZONING ORDINANCE) TO ADD OFFICE BUILDINGS AND RETAIL SALES AS CONDITIONAL USES AND/OR PERMITTED USES IN THE LIGHT MANUFACTURING ZONE M-1 AND MANUFACTURING ZONE M-2.

ACTION Councilmember James made a motion to adopt Ordinance 08-10 amending Sections 17.48.020 and 17.49.020 of Title 17 of the Hyrum City Municipal Code (the Zoning Ordinance) to add office buildings and retail sales as conditional uses and/or permitted uses in the Light Manufacturing M-1 and Manufacturing M-2 Zones. Councilmember Felix seconded the motion and all five councilmembers voted aye.

RESOLUTION 08-14 - A RESOLUTION SETTING THE RESIDENTIAL LANDSCAPING PERFORMANCE GUARANTEE DEPOSIT FEE.

ACTION Councilmember James made a motion to table Resolution 08-14 until Ordinance 08-09 was rewritten and presented to the City Council. Councilmember Miller seconded the motion and all five councilmembers voted aye.

OTHER BUSINESS:

CONSIDERATION AND APPROVAL OF AN AGREEMENT WITH CLANCY SYSTEMS INTERNATIONAL INC. FOR PARKING MANAGEMENT AND PARKING CITATION COLLECTION SERVICES.

Mayor Howard said since he spoke with the Sheriff's Office it is doing a better job enforcing the parking ordinance. The City received a contract from Clancy Systems International Inc. to provide parking management and parking citation collection services. He wants the parking ordinances enforced, but is concerned that excessive tickets will be issued giving the City a bad reputation.

ACTION Councilmember Rasmussen made a motion to not approve the agreement with Clancy Systems for parking management and parking citation collection services. Councilmember LaBau seconded the motion and Councilmembers Felix, LaBau, Miller, and Rasmussen voted aye, and Councilmember James voted nay. The motion passed.

CONSIDERATION AND APPROVAL OF ELK MOUNTAIN'S SUBDIVISION SURETY.

City Administrator D. Brent Jensen said Ron Hales, the developer of Elk Mountain, is using an unknown bank "Prime Alliance Bank" for his surety bond. Our research indicates this bank is new, having just received a business license in 2004. They have constructed a new substantial brick building and Woods Cross city officials know of no problems or reasons to suspect any difficulties. Craig Neeley knows of the bank and recommends approval of the bond. They are FDIC insured. The bank was organized by a number of wealthy individuals, including a number of former bankers. The total bond is \$1.46 million.

ACTION Councilmember LaBau made a motion to approve Elk Mountain's Subdivision surety from Prime Alliance Bank in the amount of \$1.46 million. Councilmember Rasmussen seconded the motion and all five councilmembers voted aye.

BUDGET REPORT.

City Administrator D. Brent Jensen reviewed the 2007-2008 Operating Budgets and Utility Funds expenditures and revenues. Most of the departments are at 70% of budget and should remain under budget for the remainder of the Fiscal Year.

MAYOR AND CITY COUNCIL REPORTS.

Councilmember Felix said at the next City Council Meeting he will make a recommendation to appoint someone to the Library Board.

Councilmember Miller said she would like to review Hyrum City's impact fees to ensure that new development is paying its own way. The Youth Council is helping with the Easter Egg Hunt on Saturday at 9:00 a.m. The Dairy Princess Pageant will be held on Monday, April 7, 2008 at 7:00 p.m. in the Civic Center. She has been

working with a committee to redecorate the City's float.

Mayor Howard said he attended his monthly UAMPS meeting and once again the future for coal plants is not looking good. There is a bill that proposes the elimination of air permits for any future coal plants. UAMPS is actively trying to find more energy resources and is considering building another wind power plant.

ADJOURNMENT:

ACTION **There being no further business before the Council, the Council Meeting adjourned at 8:10 p.m.**

W. Dean Howard
Mayor

ATTEST:

Stephanie Fricke
City Recorder

Approved: April 3, 2008
 As Amended